

AMENDED IN SENATE MAY 14, 2008

AMENDED IN SENATE MAY 6, 2008

**SENATE BILL**

**No. 1299**

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**Introduced by Senator Migden**

February 20, 2008

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An act relating to residential real property.

LEGISLATIVE COUNSEL'S DIGEST

SB 1299, as amended, Migden. Residential real property: affordable rental housing.

Existing law prohibits, except as specified, a public entity from compelling the owner of residential real property to offer, or to continue to offer, residential rental units for rent or lease. Under existing law, if residential rental units subject to rent or lease price controls are demolished and new ones are constructed on the same property, the new residential rental units are subject to those price controls, as specified.

This bill would require the ~~Legislature~~ *Legislative Analyst* to study the loss of affordable rental housing *units* resulting from condominiums being constructed on the ~~sites of demolished properties where~~ residential ~~buildings that were~~ *units were demolished and* subject to price controls, and to examine the authority of public entities ~~under existing law, as defined,~~ to regulate the withdrawal from rental or lease of residential units subject to price controls. ~~The bill would also declare the Legislature's intent that existing residential rental price controls be broadly construed to allow public entities to protect the availability of residential housing.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. ~~(a) The Legislature~~ *Legislative Analyst* shall  
2     study the loss of affordable rental housing ~~stock~~ *units* resulting  
3     from the construction of condominiums on the sites of demolished  
4     residential buildings that are subject to price control, and *properties*  
5     *where residential units were subject to price control and*  
6     *demolished. The study shall examine the authority of public entities,*  
7     *as defined in Section 811.2 of the Government Code, to regulate*  
8     the withdrawal from rental or lease of those ~~buildings~~ *units*  
9     pursuant to Section 7060.2 of the Government Code, to ensure  
10    that public entities have adequate authority to protect affordable  
11    rental housing stock.  
12    ~~(b) It is the intent of the Legislature that the provisions of the~~  
13    ~~Costa-Hawkins Rental Housing Act (Chapter 2.7 (commencing~~  
14    ~~with Section 1954.50) of Title 5 of Part 4 of Division 3 of the Civil~~  
15    ~~Code) and the Ellis Act (Chapter 12.75 (commencing with Section~~  
16    ~~7060) of Division 7 of Title 1 of the Government Code) are broadly~~  
17    ~~construed in favor of public entities to allow those entities to~~  
18    ~~protect residential housing stock.~~ *Code.*